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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ANTHONY B. BENSON,

14 Defendant.

NO. CR05-452-RSM

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

15 An initial hearing on a petition for violation of supervised release was held before the
16 undersigned Magistrate Judge on October 26, 2011. The United States was represented by
17 Assistant United States Attorney Andrew Friedman, and the defendant by Walter Palmer.

18 The defendant had been charged and convicted of Count 1: Conspiracy to Commit
19 Bank Fraud and to Misrepresent Social Security Numbers, in violation of 18 U.S.C. § 371; and
20 Count 2: Bank Fraud, in violation of 18 U.S.C. § 1344. On or about September 8, 2006,
21 defendant was sentenced by the Honorable Ricardo S. Martinez, to a term of 46 months in
22 custody, to be followed by 5 years of supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in substance abuse and
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1 mental health programs, financial disclosure, \$57,796.22 restitution, submit to search,
2 maintain single checking account, no new credit, and no identification in any other name.

3 In a Petition for Warrant or Summons, dated September 9, 2011, U.S. Probation Officer
4 Felix Calvillo, Jr. asserted the following violations by defendant of the conditions of his
5 supervised release:

- 6 1. Obtaining a loan for the purchase of a 1990 Cadillac vehicle, on or about May
7 17, 2011, without the approval of the U.S. Probation Officer in violation of the
8 special condition of supervision.
- 9 2. Failing to disclose all assets and liabilities to the probation office on or before
10 June 6, 2011, in violation of the special condition of supervision.
- 11 3. Failing to submit a truthful and complete written report on or before June 6,
12 2011, in violation of standard condition #2.
- 13 4. Associating with Robert Lewis and Excalibur Scott both convicted felons, on or
14 about June 21, 2011, in violation of standard condition #9.

15 The defendant was advised of his rights, acknowledged those rights, and admitted to
16 alleged violation 4. Defendant denied alleged violations 1, 2 and 3, and requested that an
17 evidentiary hearing be set on the same day as a disposition hearing before the Honorable
18 Ricardo S. Martinez on the alleged violations.


19 I therefore recommend that the Court find the defendant to have violated the terms and
20 conditions of his supervised release as to violation 4 and that the Court conduct an
21 evidentiary/disposition hearing on alleged violations 1, 2 and 3. A disposition hearing on
22 violation 4, and an evidentiary/disposition hearing on alleged violations 1, 2 and 3, has been set
23 for November 10, 2011 at 9:30 a.m. before the Honorable Ricardo S. Martinez.

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1 Pending a final determination by the Court, the defendant has been released, subject to
2 supervision.

3 DATED this 26th day of October, 2011.

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5 JAMES P. DONOHUE
6 United States Magistrate Judge
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9 cc: District Judge: Honorable Ricardo S. Martinez
AUSA: Andrew Friedman
10 Defendant's attorney: Walter Palmer
11 Probation officer: Felix Calvillo, Jr.
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